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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,621	02/25/2000	Harlan Sexton	50277-258	7347

7590 01/15/2004

ATTEN: STEPHEN C. CARLSON
DITTHAVONG & CARLSON, P.C.
10507 BRADDOCK RD
SUITE A
FAIRFAX, VA 22032

EXAMINER

HO, THE T

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 01/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/512,621

Applicant(s)

SEXTON ET AL.

Examiner

The Thanh Ho

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed 10/17/2003.
2. Claims 1-6, 8-15, 17-23 have been examined and are pending in the application.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-15, 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Biliris U.S Patent No. 5,590,327.

As to claim 1, Biliris teaches a run-time environment (determined at run time, line 16 column 4), accessing a definition of an object (allow a based class pointer to refer to a derived class object, lines 18-19 column 4) in terms of a composition of a primitive type (C++ definition, lines 30-50 column 4); accessing a platform-specific description of layout parameters ([MAX], line 32 column 4) of the primitive type; generating a layout for the object in a high-order language (C++ compiler to generate code that will invoke the appropriate function, lines 61-63 column 1).

As to claim 2, Biliris further discloses an accessor accessing a slot in the object holding a value for one primitive type (vtbl pointers to access entries in the virtual function table, line 9-10 column 9).

As to claim 3, Biliris further discloses fetching a value for one primitive type (39 to 32, Fig. 3).

As to claim 4, Biliris further discloses storing a value for one primitive type (32 to 3, Fig. 3).

As to claim 5, Biliris further discloses the primitive type includes reference (pointers, Fig. 3).

As to claim 6, Biliris further discloses the primitive reference type is a native machine pointer type (memory pointers, lines 13-31 column 2).

As to claim 8, note the discussion of claim 1 above. Biliris further discloses the platform-specific descriptions corresponding to the incompatible platforms (Fig. 3).

As to claim 9, Biliris further discloses the slots are located in the layouts for the incompatible platforms at same offsets (lines 52-59 column 6 and lines 17-30 column 7).

As to claims 10-15 and 17-18, note the discussions of claims 1-6 and 8-9 above, respectively.

As to claim 19, Biliris further teaches one of the platform specific descriptions (allow a based class pointer to refer to a derived class object, lines 18-19 column 4) corresponding to one of the incompatible platforms (actual type of the data being passed to the function, lines 14-15 column 4) specifies that the primitive type (char firstname, line 32 column 4) has a first size (MAX of firstname, line 32 column 4); another of the platform specific descriptions (allow a based class pointer to refer to a derived class object, lines 18-19 column 4) corresponding to another of the incompatible platforms (actual type of the data being passed to the function, lines 14-15 column 4) specifies that the primitive type (char lastname, line 33 column 4) has a second size MAX of lastname, line 32 column 4) greater than the first size; said generating the

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layouts includes generating layouts corresponding to the incompatible platforms (lines 14-26 column 4); and generating a padding element in one of the layouts (lines 51-64 column 4).

As to claim 20, note the discussion of claim 19 above.

As to claim 21, note the discussions of claims 1 and 19 above.

As to claim 22, note the discussion of claim 19 above.

As to claim 23, Biliris further teaches the first layout description for the primitive type (char firstname, line 32 column 4) specifies a first alignment restriction for the primitive type (lines 2-13 column 5); and the second layout description for the primitive (char lastname, line 33 column 4) specifies a second alignment restriction for the primitive type stricter than the first restriction (lines 2-13 column 5).

Response to Arguments

4. Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argued that Biliris does not teach "size and alignment" (Remarks, fourth paragraph page 9). In response, Biliris teaches the defied data (lines 30-49 column 4) included size and alignment (char [MAX]). The reference meets the limitation as claimed.

Applicant argued that Biliris does not teach padding element (Remarks, second paragraph page 11). In response, the applicant argued limitation that is not claimed

before. However, this limitation is still met by Biliris reference as disclosed in the claim rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is 703-306-5540. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

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Commissioner for Patents


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Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 746 – 7238
- OFFICAL faxes must be signed and sent to (703) 746 – 7239
- NON OFFICAL faxes should not be signed, please send to (703) 746 – 7240

TTH
January 12, 2004


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SUPERVISORY PATENT EXAMINER
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